

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Duane Leroy Fox

v.

Civil No. 11-cv-295-SM

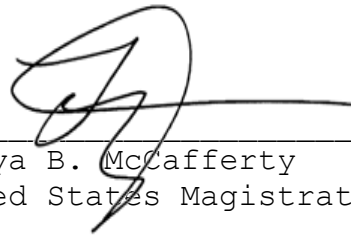
Superintendent, Strafford County
Department of Corrections, et al.

REPORT AND RECOMMENDATION

Before the court is Duane Leroy Fox's motion for partial summary judgment (doc. no. 34). The matter has been referred to this magistrate judge for a report and recommendation as to disposition, pursuant to Rule 72.1 of the United States District Court District of New Hampshire Local Rules.

The motion for summary judgment (doc. no. 34) consists of one paragraph essentially setting forth the contents of Rules 56(a) and 56(g) of the Federal Rules of Civil Procedure. Nothing in the filing alludes to or references any fact or legal argument relevant to Fox's case in this court. Further, as the case has not yet been served on defendants, any ruling on the merits of a summary judgment motion would be premature. For these reasons, the motion should be denied without prejudice to Fox's ability to file a proper summary judgment motion at an appropriate time. See Fed. R. Civ. P. 56(b).

Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).

A handwritten signature in black ink, appearing to be 'Landya B. McCafferty', written over a horizontal line.

Landya B. McCafferty
United States Magistrate Judge

March 18, 2013

cc: Duane Leroy Fox, pro se

LBM:jba